

REMARKS

This amendment is in response to the Office Action of March 10, 2009.

Claim Rejections – 35 U.S.C. §101

Claim 65 and its dependent claims 66-77 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to nonstatutory subject matter for claiming a process that is neither (1) tied to a particular apparatus or (2) operated to change materials to a “different state or thing”.

By this amendment claim 65 has been amended to set forth the particular apparatus used in connection with the video recording method defined therein. It is respectfully submitted that these amendments clearly bring the claim into a statutory category of invention.

Double Patenting

It is respectfully submitted that the claims, as amended, overcome the nonstatutory double patenting rejection over claims 1-50 of U.S. Patent No. RE 37,342. If the Examiner continues this rejection, the Applicant will consider submission of a terminal disclaimer.

Claim Rejections – 35 U.S.C. §102

Claims 51-59, 63, 65-73 and 77 stand rejected under 35 U.S.C. §102(b) as being anticipated by RD330020A. RD330020A clearly does not contain an enabling disclosure such that a person of ordinary skill in the art would be able to implement the teaching of the reference as is required under EPC to attack novelty. The “disclosure” of RD330020A is limited to a highly simplified block diagram, and two paragraphs of “explanation” encompassing 24 lines. The disclosure is entitled “Dual Quality Recorder”, with the first paragraph of the text providing a background regarding the way in which video editing systems are arranged, with the second paragraph making oblique references to the block diagram. The gist of the disclosure involves

the use of a “dual-quality recorder” including a “faster access recorder” and a “higher quality recorder.” Both recorders record video from a video source simultaneously. Very little is said about the editing process, other than an editor’s use of the faster access record to form a decision list. “Compression” is mentioned only with respect to the faster access recorder, which may utilize an optical disk that is removable. Nothing is said about simultaneous compression, additional types of media, on-line versus off-line editing, cameras or other source types, additional media for EDL transfers, and so forth.

Apart from the Patentee’s arguments set forth hereinabove with respect to the lack of enablement of RD330020A, the mention in RD330020A of an “optical disk” and “higher quality recorder” hardly meets the limitation of simultaneously recording information representative of the same program source material, including correlated edit-time-code information, onto first and second storage media in the first and second formats, respectively, with the information in both formats being data compressed.

In point of fact, RD330020A makes mention of video compression only in conjunction with the “faster access” recorder, i.e. “the faster access recorder may include a video compressor and an optical disk that is removable”. Though the author of RD330020A clearly had the opportunity to disclose that the “higher quality recorder” may, as well, provide compression (or a removable medium), such “disclosure” is simply not present in this reference. Rather, the gist of the D1 disclosure is the use of a higher quality recording in conjunction with a faster access recording “to allow an editor to start working on decision lists from the faster access recording while the higher quality recording is being transferred to an edit system”. There is no teaching or suggestion whatsoever that the higher quality recorder uses compression and, in fact, D1 clearly teaches away from this possibility through its emphasis on “high quality”.

Claim Rejections – 35 U.S.C. §103

Claims 60-62 and 74-76 stand rejected under 35 U.S.C. §103(a) as being unpatentable over RD330020A. With regard to claim 60, Examiner has taken Official Notice that “using recorders in a video camera to record captured video signals is well known in the art because the recorders enable the captured video signal to be saved for later viewing”. Applicants agree, but respectfully point out that this statement is not true for dual recording capability. At the time of the instant invention, the normal mode of operation was to take a high quality, uncompressed original recording (typically on a videotape – which offered only serial accessibility) and, in a separate, subsequent step, create a lower quality, highly compressed copy (which was in a randomly accessible format), which then would be utilized to produce an EDL. One of the main goals that has been disclosed for the instant invention is to eliminate the need for this separate step. Additionally, claims 60-62 and 74-76 define over the prior art in the same manner as the parent claims on which they are dependent.

Reconsideration and allowance is accordingly respectfully solicited.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

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Respectfully submitted,

By 

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